IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 18589 of 2007(K)

PETITIONER:

SHINI LINSON, AGED 30 YEARS,
W/O.LINSON, THANIYATH HOUSE, ARIPALAM P.O.,
THRISSUR.
PRESENT ADDRESS: SHINI LINSON, C/O.KARTHIKEYAN,
THODATHRA HOUSE, PADIYOOR P.O., THRISSUR.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY SECRETARY**
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM.

2. **REVENUE DIVISIONAL OFFICER, THRISSUR.**

3. **TAHSILDAR, TALUK OFFICE, IRINJALAKUDA.**

4. **C.R.SUNNY, S/O.RAPHEL,**
CHITTIPALLILLY HOUSE, NEARL CONVENT,
CHERPU P.O., THRISSUR.

BY ADV. SRI.RENJITH THAMPAN
GOVERNMENT PLEADER SRI.TEK CHAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.18589/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SALE NOTICE ISSUED BY THE TAHSILDAR DT. 12.9.06.

EXT.P1(a):- COPY OF THE SALE NOTICE ISSUED BY THE TAHSILDAR DT. 7.10.06.

EXT.P2:- COPY OF THE RECEIPT ISSUED TO THE PETITIONER DT. 26.10.06.

EXT.P3:- COPY OF THE PROCEEDINGS NO.B1-528/07 OF THE RDO DT. 12.4.06.

/TRUE COPY/

P.A. TO JUDGE

tss

V. GIRI ,J.

WP(C).NO. 18589 of 2007

Dated this the 6th day of November, 2007

JUDGMENT

The petitioner participated in a revenue auction of 25 cents and 649 sq. links of land, conducted on 26.10.2005. Petitioner was the highest bidder. Petitioner had quoted a sum of Rs.3,76,000/= which was above the upset price. Petitioner paid the entire amount within the time prescribed in the auction conditions. She then sought for confirmation of the auction. While so Ext.P3 order was passed by the Revenue Divisional Officer setting aside the sale. Petitioner has filed this writ petition challenging Ext.P3.

2. Several grounds have been raised in this writ petition. I do not propose to deal with the same in as much as that Ext.P3 was passed without notice to the petitioner. In other words, the order is in violation of the principles of natural justice. This position is not controverted by the respondents also. In the circumstances, the writ petition is allowed and Ext.P3 order is set aside. But it is made clear that it is open to the second respondent to pass fresh orders under Section 54 or proviso to Section 54 of the Revenue Recovery Act, after notice to the petitioner, and after giving her an opportunity of being heard.

V. GIRI, JUDGE

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